

S/N 10/542,914

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alfred Marchal	Examiner:	Valenrod, Yevgeny
Serial No.:	10/542,914	Group Art Unit:	1621
Filed:	March 7, 2006	Docket No.:	09997.0127USWO
Customer No.:	23552	Confirmation No.:	9556
Title:	USE OF A COMPOSITION COMPRISING VITAMIN K1 OXIDE OR A DERIVATIVE THEREOF FOR THE TREATMENT AND/OR THE PREVENTION OF MAMMAL DERMATOLOGICAL LESIONS		

 Filed EFS-WEB

RESPONSE TO INFORMATION REQUIREMENT UNDER 37 CFR § 1.105

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Information Requirement under 37 C.F.R. § 1.105, the time for reply extended four months to November 13, 2010, Applicants request consideration of the following remarks.

The declaration of Dr. Karavani under 37 C.F.R. § 1.132 filed April 10, 2010 (declaration A) states at page 3 that “Several studies (not all published” have shown that cosmetic creams containing vitamin K oxide are more active topically than cosmetic vitamin k cream.” In the Information Requirement, the Examiner alleges the studies referred to at page 3 of Dr. Karavani’s declaration that have published are necessary to examination of the instant application and is requiring that these published studies be entered into the record.

As discussed in the declaration of Dr. Karavani under 37 C.F.R. § 1.132 filed February 18, 2010 (declaration B), the statements in the Office Action dated August 18, 2009 regarding what was recognized in the prior art is not correct as neither the study of Exhibit A nor the studies referenced to by Dr. Karavani at lines 7-8 of the Pharmacological aspects section of

Response dated November 15, 2010

Exhibit A were publicly available prior to the filing date (January 20, 2004) of international application no. PCT/BE/04/0011, from which the present application claims priority.

As discussed in the declaration of Dr. Karavani under 35 C.F.R. § 1.1.32 filed herewith (declaration C), Dr. Karavani was retained by the inventor, Dr. Alfred Marchal, as an expert to perform experimental studies for the assignee Auriga International. One of the studies Dr. Karavani performed for the assignee was the study of Exhibit A entitled “Topical use of vitamin K versus vitamin K oxide: A clinical evaluation of postoperative bruising and edema.” This study was transmitted to the assignee by Dr. Karavani. It is Dr. Karavani’s understanding that this study was not publicly disclosed prior to January 20, 2004. See declaration C at paragraph 4.

As an expert for the assignee, experimental studies performed for the assignee were made available to Dr. Karavani. All of the studies that Dr. Karavani was referring to at lines 9-10 of the Pharmacological aspects section of Exhibit A were experimental studies performed by the assignee. See declaration C at paragraph 5. These studies evaluated vitamin K1 oxide compared to vitamin K1 for treating bruising (ecchymosis). In these studies, cosmetic creams containing vitamin K oxide were found to be more topically active than cosmetic creams containing vitamin K. These studies were provided to Dr. Karavani by the assignee in his capacity as an expert for the assignee and were kept confidential by both Dr. Karavani and the assignee. See declaration C at paragraph 5. It is Dr. Karavani’s understanding that all of these studies have not been publicly disclosed. See declaration C at paragraph 5.

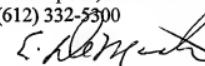
In view of the foregoing, Applicant submits that all of the studies referenced at page 3 in the Pharmacological aspects section of Exhibit A are not prior art as the studies were not publicly disclosed prior to the filing date of the PCT application. Applicant has attempted in good faith to comply with the requirements under 37 C.F.R. § 1.105.

Response dated November 15, 2010

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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EED:jrm

Date: November 15, 2010

23552

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